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December 6, 2001

## **ELECTRONICALLY FILED**

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20024

**Re: Notice of *Ex Parte* Presentation by Grande Communications in  
CS Docket 95-184, CS Docket 01-7, CS Docket 01-290, GN  
Docket 00-185, and WT Docket 99-217.**

Dear Secretary Salas:

Pursuant to section 1.1206(b)(2) of the Commission's Rules, Grande Communications, by its attorneys, submits this notice of an *ex parte* presentation in the above-captioned dockets on December 5, 2001. The Commission attendees at the meeting were Ken Feree, Cable Bureau Chief, and Sarah Whitesell, Eloise Gore, John Norton, Royce Sherlock, and Holly Berland of the Cable Bureau. William Morrow, Grande's Chief Executive Officer, made the presentation for Grande. Also present on behalf of Grande and participating in the meeting were Andrew Kever, Grande's General Counsel, and Jean Kiddoo and L. Elise Dieterich of Swidler Berlin Shereff Friedman, LLP.

The presentation introduced Grande Communications as a broadband provider of bundled cable television, local and long distance telephone, and Internet access services. Grande also discussed its wholesale telecommunications business, through which it provides telephone and data transmission services to commercial customers. Grande cited five potential impediments to cable competition, for the Commission's attention:

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The exclusive arrangement between Time Warner, the incumbent cable operator against whom Grande competes, and Scientific Atlanta, one of only two reliable set-top box producers; Time Warner's contracts with 4 of the 5 viable providers of video-on-demand products; the challenge faced by competitive video providers in obtaining access to local programming; the problem of perpetual exclusive contracts in multiple dwelling unit buildings ("MDUs"), which exclude competitors, and the need for at least one opportunity for building owners to obtain a "fresh look" at such perpetual agreements; and, misuse of the Commission's cable home run wiring rules to pressure building owners to deny access to, or even repudiate their agreements with, cable overbuilders. Specifically, Grande urged the Commission to consider amending its existing rule with respect to the disposition of cable home run wiring to eliminate the option for removal by the incumbent provider of home run wiring to which it claims ownership, and to provide instead for fair compensation to the incumbent for such wires. Grande's willingness to allow access to the cable modem platform for unaffiliated Internet service providers also was discussed. No written materials were presented at the meeting. It is Grande's intention to submit written *ex parte* materials in support of its presentation, consistent with the Commission's rules, to the Commission at a later date.

Pursuant to sections 1.1206(b)(2) and 1.49(f) of the Commissions rules, this *ex parte* notice is being electronically filed for inclusion in the public record for the above-referenced dockets. Please direct any questions concerning this filing to the undersigned.

Respectfully submitted,

s/ Jean Kiddoo  
L. Elise Dieterich  
Counsel for Grande Communications